

QUID NOVI

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QUID NOVI

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EDITORIAL

by **Andrea Gorys (Law III)**
Co-Editor-in-Chief

Happy Thanksgiving everyone! I hope every-
one had a fabulous long weekend filled
with good times with family, fun, laughter
and love. What were you thankful for this year?
The first article showcases what one student is
thankful for: great, enthusiastic professors. It is a
tribute to a wonderful professor who has taught
Criminal Law, Criminal Evidence and Criminal Pro-
cedure at this Faculty for several years, who's
been an advisor to Innocence McGill and who has
a devoted following: Professor Patrick Healy now
fellow judge at the Cour du Quebec. Professor
Healy, you have been an inspiration to many stu-
dents. You have not only taught us, but have ig-
nited us with knowledge and passion. We thank
you. You will make one hell of a judge!

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PROF. HEALY – THANK YOU, AND GOODBYE

by Kevin Custodio (LAW II)

Every story has an introduction, a body, and a conclusion – sometimes, the end simply comes too soon. While my days in elementary school have forced me to accept that a good story will sometimes end too soon, this time it is more difficult than most.

Before I delve into this story I should probably provide some background so we can all begin together. Today, Thursday October 4, 2007, Dean Kasirer and Professor Patrick Healy announced to Healy's classes that he had been appointed to the Cour du Quebec Criminal Division, and will no longer be gracing McGill classrooms with his presence.

This story begins with a CEGEP student who was, depending on how you look at it, either ambitious enough or crazy enough to apply to McGill's Faculty of Law. Like all other applicants, CEGEP students must

write a cover letter, submit grade transcripts, etc., however – we also have the joy of undergoing an interview with two members of the admissions panel, and that's where this story truly begins. My interview was scheduled for just after the end of the CEGEP exam season – my life basically stuck in limbo between college and university, completely unsure of where I would be next year. On that day I suited up – for the first of many times in the name of my legal future – and walked into the conference room in Old Chancellor Day Hall (OCDH), you know the one next to the Dean's office. Before I walked in though, the previous applicant came out crying – I very soon realized why.

Two professors waited for me in that room, Patrick Healy being one of them, sitting there in his grey suit, tortoise sunglasses, and one leg crossed

over the other. I shook both their hands (hoping my grip was firm but not too firm) and sat at the table for my interrogation to begin. I think the best analogy to the way my interview went is a good cop/bad cop style interrogation. As the questions came I quickly realized that professor Healy was not going to let me have an easy day. The questions started out in the usual way. Why law? Why McGill? Why now? The 'mandatory for all CEGEP applicants' section of the interview finished and the real interrogation began. Professor Healy provided me with a hypothetical situation as a judge and asked me what I would do in that instance – guilty or not guilty? Having answered that, he then presented me with a more challenging one – 'what would you do if the exact same case arose, but this time the defense raised an argument you had not heard or thought of before?' Essentially, I answered that I would do whatever I felt best served justice – precedent and pride aside. Now, I'm certain that no one is really interested in hearing the details of my interview...I mean why would you be, I'm

not even really that interested in it. What is of interest though is professor Healy's presence at my interview. Truthfully, he terrified me. Every answer I gave he found a way to question, for every point I thought I'd won, he would point out the other side. He sat there, one leg crossed over the other, tearing me to shreds. I remember my mouth going dry – the jug of water across the table out of reach, and me too terrified to ask him to pass it to me.

I left the interview room thinking my legal career was over before it had begun and that professor Healy was the most arrogant person I had ever met. I was so very wrong on both counts – as wrong as a miscarriage of justice (ok no more law jokes...promise).

The beginning of the story ended with me receiving a letter of acceptance – okay, so I guess the interview didn't go so bad after all.

The middle of my story is – unfortunately – much shorter (kind of like how the first Harry Potter book was one long introduction with very little middle to it, but still had a good ending). As fate would

have it, Professor Healy was to be my First Year Groups (FYGs) professor. Keep in mind that at this point I was still deluded into thinking that he was a horrible man. My second encounter with Professor Healy was also to be in OCDH, this time though in the staff lounge (you should check it out – it's nice and, if you don't get caught, there's free coffee). Once again he sat in his chair, with one leg crossed over the other, with his tortoise frame glasses, but a different suit (he is always well dressed after all). This meeting was not going to help rid me of my delusions. Professor Healy asked me how I was coping with the pressure, I replied that I was a little overwhelmed but not too much. Any other person would have left it at that – but Professor Healy isn't the kind of person that holds back words that need to be spoken (though he'll have to get used to doing that now). He asked the other CEGEP student in the FYG the same thing and she told him that she was very overwhelmed – he then looked at me and essentially said, 'it's good

that you're being honest with yourself'. I left the meeting more deluded than ever that he was a horrible and arrogant man – but then something happened. I realized that I was incredibly overwhelmed, that I did feel that this was too much for me to handle, and then I was able to begin dealing with those emotions. Had Professor Healy not called me out that day – as I continued to lie to myself, I don't know where I would've found the starting point to deal with how I was feeling. So, (in my head) I thanked him for making me face the truth – but I still thought he was a horrible man. Unfortunately that is all for the middle of the story, because what was meant to be the continuation has become a conclusion. The conclusion: 8:00am Criminal Law class with Professor Healy. It might seem strange to you that I would choose to take Professor Healy for Criminal Law since I did not have a very high (or for that matter, accurate) opinion of him, but every single one of my upper year friends told me he was the best; 'if you're gonna take crim, take

Healy'. As would become increasingly evident this was not to be a normal year for PUB2-111. Before registration even began, there was a last minute change to the class scheduling – the class was to be taught at 8:00 instead of 8:30. While I doubt this was a very popular decision, it didn't change the level of enrollment in the class – we're 85 students now. Professor Healy could have decided to schedule the class at 7am or 8pm and the room would still be full. Then came the textbook problem, it's October 4th today and the vast majority of us still do not have a textbook. This is in no way the fault of Professor Healy, and he has done everything possible to help us out in this respect – things were still going to get more unusual though, but before I get to that there are some things I need to say. There are very few things in life that I am willing to wake up at 6:30 in the morning for, but Criminal Law with Professor Healy was, and I wish it would continue to be, most certainly a great reason to be up at that God forsaken hour.

For those of you who have not had Professor Healy (and I'm sorry for you), you must know that he was no regular teacher. McGill is often criticized – I've said it many times myself – for being overly theoretical. On the other hand, a school that is overly practical would result in the same problem. A great man once said something along the lines of 'a teacher who doesn't know what is going on down on the street is useless, but so is a practitioner who doesn't know the theory behind the law he or she is applying'. Professor Healy was able to surmount that obstacle. He was a professor who could blend practical legal knowledge with legal theory. Every class was both a practical discussion of the law and of the theory behind that law. He taught us the underlying ideas behind the law, but did it practically – and for this I understand criminal law thus far better than I understand a couple of my first year classes. More importantly than that balance though, is that he was honest with us. In the short time we had together he would not hold back on his opinion – if he thought

the SCC was wrong he'd tell us. Then he'd tell us why. And this, is where I realized that my original opinion of him was wrong. It's not that he's arrogant or mean – far from it. What I mistook for arrogance was a man who was not afraid to share his opinion, or to point out where others were wrong. These traits will make him a great judge; the stakes are so high at a criminal trial and it is so important that we have judges who will not be afraid or shy to dispense justice fairly, even though I'm sure

the occasional kowtow to poorly drafted legislation will be necessary. The month of September is filled with many great memories from my criminal law class – to think I actually looked forward to an 8am class, but unfortunately another unusual thing happened in our class. Dean Kasirer, with obvious pride and happiness for his colleague, informed us that Professor Healy had been appointed to the Criminal Division of the Cour du Quebec. We all clapped, for a long time, myself (and many others I'm sure)

thinking about how great a judge he will be. But, then the reality sank in, all of us thinking the same thing, 'will Healy still be our prof?' Unfortunately, the answer was no, he was to begin this new incredible (and well deserved) stage in his legal career this coming Tuesday. Following this announcement was a very candid and personal discussion between Professor Healy and our class – he shared his past, his fears, and his opinions with us. I'd love to

share the details with all of you, but I simply cannot – what I can say though is that I'm honored that I was there. Oh, and professor Healy, one last question – what would you do if you heard a case incredibly similar to one you had already heard but this time the defense raised an argument you hadn't heard or thought of before?...just teasing. Thank you for everything, congratulations, best of luck, and you will be sorely missed ■

LES AVEN- TURES DU CAPITAINE COPORATE AMERICA:

ÉDIFICA- TION

par Laurence Bich-Car-
rière (Law IV)



HUMAN RIGHTS WORKING GROUP CORNER



WELCOME ANYTIME: CANADA PLEDGING ITS FAIR SHARE FOR GLOBAL FUND FOR AIDS, TUBERCULOSIS, AND MALARIA

by Oline Twiss (LAW II)

Canada failed to make a pledge to the Global Fund to fight AIDS, Tuberculosis, and Malaria (the Global Fund) at a recent replenishment meeting on Sept. 27, 2007 in Berlin. The next day, the Canadian government announced a \$14 billion surplus. Compare this with what the Global Fund is asking from Canada: to give 5% of the projected \$18 billion need over the next three years, which translates to an average of \$300 million per year over the next 3 years. Why should Canada make a full pledge to the Global Fund?

The Global Fund is known for its effectiveness in fighting HIV and AIDS, TB, and malaria, which have a tremendous impact on lives around the globe, particularly in so-called developing countries. It has achieved getting HIV and TB drug treatments to over 3 million people, and has funded over 30 million insecticide-treated bed nets so that families can protect themselves from malaria¹. It funds counseling and testing, community prevention outreach, and training for service providers. In short, it is one of the best vehicles that the global community has to promote public health and the fight

against these deadly diseases.

A full pledge to the Global Fund would result in Canada fulfilling some of its commitments to global health. Canada is part of a global effort against HIV and AIDS through the UN General Assembly Special Session on HIV/AIDS (UNGASS) in 2001, from which the Declaration of Commitment on HIV/AIDS emerged. Article 79 of the declaration states that countries will "Ensure that the resources provided for the global response to address HIV/AIDS are substantial, sustained and geared towards achieving

results".² Canada has also made a commitment to the Millennium Development Goals (MDGs: <http://www.un.org/millenniumgoals/>), which includes combating HIV/AIDS, malaria, and other diseases amongst its key goals. This commitment was reaffirmed at the G8 meeting in Heiligendamm this past June. In the Chair's Summary, the members of the G8 "noted the substantially increasing demand projected by the board of the Global Fund to Fight AIDS, TB and Malaria and we agreed that the Global Fund continues to enjoy our full support".³

In addition to the Global Fund's effectiveness and Canada's international commitments, recent survey results indicate that Canadians would support Canada's contributing its fair share to the Global Fund. The Ipsos-Reid poll from June 2007 showed that 91% of Canadians say it is important for the government to help increase access to treatment for people living with HIV and AIDS in developing countries.⁴ One easy way to realize this support is to make a full pledge to

the Global Fund.

Canada is in an optimal position to make a full pledge to the Global Fund against the backdrop of a successful global mechanism, a national budgetary surplus, and clear international commitments that Canadians want to see the government live up to. The Prime Minister may be strategically timing an announcement for a pledge to the Global Fund such that it will win him favour amongst voters to

whom this issue matters. He knows an announcement will be welcomed at anytime. But as lives are lost every day that an announcement is delayed, he risks his announcement being welcomed with a curtain call.

¹ See the 'Partners in Impact' Results Report 2007. Available at: <http://www.theglobal-fund.org>.

² Available at: <http://www.un.org/ga/ai>

[ds/coverage/FinalDeclarationHIVAIDS.html](http://www.un.org/ga/ai).

³ Chair's Summary, G8 Summit, Heilighendamm, 8 June 2007. Available at: http://www.g-8.de/Content/EN/Artikel/_g8-summit/2007-06-07-summit-documents.html.

⁴ Ipsos Reid poll conducted on behalf of the Canadian Coalition for Youth and HIV/AIDS in Africa from June 21 to June 25, 2007.

Oline Twiss is a co-coordinator of the Human Rights Working Group on HIV/AIDS and Public Health. The group is currently participating in a nation-wide letter writing campaign, urging the Prime Minister to pledge Canada's fair share to the Global Fund. To participate in the campaign, visit: http://hrwg.mcgill.ca/index.php?option=com_content&task=view&id=103&Itemid=121



Lawmerick V: The Facebook Status Song

By Francie Gow, Law IV

Francie is "taking a break." (3 hours ago)

Francie is "now going to make
Herself log out of Facebook

And open a casebook." (20 minutes ago)

Francie is "taking a break." (2 minutes ago)

CRACKDOWN IN BURMA: THE WORLD IS WATCH- ING

by Natalie Drolet (LAW III)

Over the last few weeks, there has been an unprecedented amount of media coverage on the mass scale of peaceful public protests led by monks across Burma, dubbed the "Saffron Revolution" after the monks' robes. The protests, which took place September 17-28 against the ruling military junta SPDC, were triggered by economic hardship exacerbated by an increase in fuel prices in August. The protests are the largest to have taken place since the popular uprising in 1988, when the junta opened fire on peaceful

pro-democracy protestors, killing 3000 people.

This new wave of protests has served as a wake up call for the international community to the long struggle for democracy by Burmese civilians. Particularly poignant has been the junta's violent crackdown on the protestors, in which dozens were left for dead, bringing to light violations en masse of freedom of association, freedom of expression and freedom of the press.

Media reporting has been dwindling due to

restrictions on communications in Burma, and the generals in charge have made a plea for normalcy to return to Burma. But is it? The monks' involvement in the protests is key, as it not only demonstrates their affinity with the pro-democracy movement in Burma led by Aung San Suu Kyi (winner of the Nobel Peace Prize and head of the National League for Democracy), but threatens the junta's legitimacy in the eyes of the clergy, civilians, and their own troops, some of whom have refused to mistreat the monks. This is a lose-lose situation for the generals, who face instability within their own ranks with further crackdowns.

The international community has responded to the crisis in Burma by calling for restraint vis-à-vis the protestors and democratic reform, and by tightening economic sanctions

against the junta. Interventions by the UN Security Council and the UNHCHR have been unsuccessful in Burma, due to the necessity of appeasing the generals, or else be barred from entering the country. Economic sanctions by Western nations have not been effective, because the junta's main investors are China and India, who continue to back the generals. Despite this, there is more that Canada can do to stand up for democracy, including imposing full trade and diplomatic sanctions against Burma, and putting pressure on China to do the same. To have your voice heard, sign the petitions at www.cfob.org and www.avaaz.org.

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Revue de droit de McGill – Appel de soumissions

Vous voulez publier un texte dans une des revues académiques les plus prestigieuses au Canada ? La Revue de droit de McGill invite les étudiants à soumettre leurs textes de haut niveau pour publication dans son 53e volume. La Revue est principalement à la recherche de recensions comparatives, de recensions simples, de chroniques de jurisprudence et de notes de jurisprudence. Les recensions simples et les notes de jurisprudence sont de brefs textes sur un enjeu actuel de la doctrine juridique ou de la jurisprudence, tandis que les recensions comparatives et les chroniques de jurisprudence présentent le potentiel analytique d'un article. Nous encourageons les étudiants inscrits au B.C.L. / LL.B. à soumettre des recensions simples et des notes de jurisprudence (max. 1000 mots) et les étudiants des cycles supérieurs à soumettre des recensions comparatives (max. 10,000) et des chroniques de jurisprudence (max. 5,000 mots). Les étudiants peuvent aussi soumettre des textes rédigés dans le cadre d'un cours, dans la mesure où ils n'ont pas été publiés ailleurs. Il est recommandé de soumettre vos textes le plus tôt possible, mais la Revue acceptera des soumissions jusqu'au 28 février 2008.

Voici quelques bonnes raisons de soumettre vos textes pour publication dans la Revue :

- Vos idées pourront enrichir la doctrine juridique à travers le Canada et à l'étranger.
- Les expériences de publication dans des revues de droit prestigieuses sont toujours très appréciées par les employeurs du secteur privé comme du secteur public.
- Les étudiants qui publient dans la Revue au cours de leurs études sont éligibles pour le prix Max Cresthol, d'une valeur de 350 \$, remis pour la meilleure contribution d'un étudiant à la Revue de droit de McGill.

SVP envoyer vos soumissions ou vos questions à l'adresse journal.law@mcgill.ca.

McGill Law Journal - Call for Submissions

Do you want to get published in one of Canada's leading legal publications? The McGill Law Journal is seeking high-quality student submissions for Volume 53. In particular, we welcome book reviews, book notes, case comments, and case notes.

Book notes and case notes are brief remarks on important recent scholarship and jurisprudence, while book reviews and case comments are article-length analyses. We encourage BCL/LLB students to submit notes (word limit 1000), and graduate students to submit full-length book reviews (word limit 10,000) and case comments (word limit 5,000). Students may submit pieces originally prepared for their courses, as long as they have not been published elsewhere. Early submission is more advantageous, but the Journal will accept submissions through February 28, 2008.

There are several good reasons to seek publication in the Journal:

Your ideas will enrich legal scholarship across Canada and around the world.

Publication in a prestigious law journal is highly prized by employers in academia, the private sector as well as the public sector.

Students who are published become eligible for the Max Crestohl Prize (value \$350), awarded for the best student contribution to the McGill Law Journal.

Please send submissions or queries to journal.law@mcgill.ca.

RETURN OF THE SNAIL

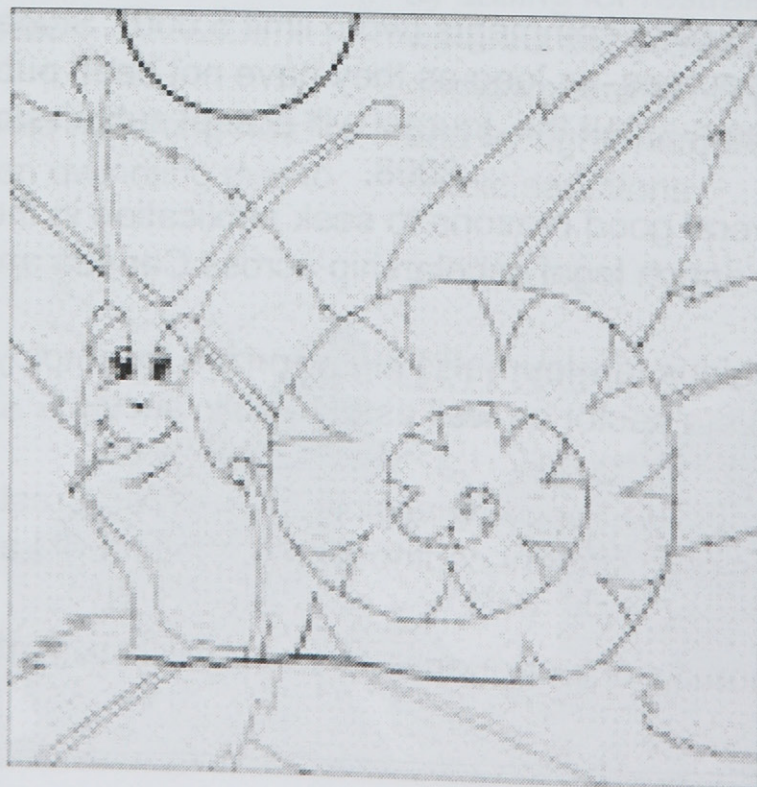
by Olga Lifchits (LAW II)

It was with great interest that I read last week's Thunderstorm article in the Quid. The article invited one to recognize honesty in those who might otherwise appear intolerant, and perhaps even gain some valuable information from these messengers of truth. Inspired, I decided to examine this idea. Let us assume, for the pure sake of argument, that I'm a chemist, studying at, oh, let's say the Université de Montréal, and let's further assume that I am currently working on the synthesis of ... let's pick something simple for our case, 3-(1H-indol-

1-yl)-N,N-dimethyl-3-phenylpropan-1-amine. Let's also assume I'm 5'7, like borscht and had a dog named Flip, but that might be too much information. Now that you have the picture of this hypothetical case in your mind, and hopefully you are seeing a snail wearing safety goggles and standing in front of a fume hood, let's develop the idea further. As this supposed "chemist," it is quite clear, that I must fulfill my duty to honour the memory of Mendeleev, Bohr and Fischer by promoting the subject of chemistry and by sharing the beauty of this noble science.

Conversely, it is also my full right to consider things like law to be a wholly fruitless activity, based on no natural phenomena and therefore worth no more than a chewed-up gum stuck to the underside of a desk in a lecture hall, complete with teeth indentations and bits of stale saliva. Let us not forget that this argument is still purely fictional, so don't reach for your pitchforks and that heavy curtain-rod just yet. Now that we've agreed that I do in fact possess this right (please let go of the rod), it should become clear to you that the only path to salvation is to drop out of law school immediately and start filling out your applications for the M.Sc. or Ph.D. degree in chemistry. Quite simply, there's only one way to explore the

world, and it is not through the claptrap of legal argument, legal precedent, or any other fancy terms written in some blue book with golden letters. The world can only be explored in terms of the molecules that make it up, and clearly, figuring out the enthalpy of bond formation is much more valuable than making factual inferences. Why, you might ask, can't I just leave the law students alone and let them help the world in the way they see fit, while I lock myself up in the laboratory amid the fumes of hexanes and ethyl acetate? Why can't both disciplines beautify the world in their respective rights? Because I said so. And if you think that's intolerant, you can kiss my test tubes■



THE THUNDER-STORM ARTICLE

by Ilan Gabizon (LAW III)

Dictionary.com defines 'proprieties' as "the conventional standards of proper behavior". Proprieties are things we do in order to fit in, to seem proper, civilized. Someone who disobeys the proprieties of our society is a barbarian; he thinks and acts differently – he is not one of us... Proprieties are like drugs: they allow us to escape from the responsibility of creating our own identity – our existential responsibility. A person who truly

believes in the importance of propriety, and does his utmost to adhere to it – to mold his mind around it – has become existentially dead. He has offered up his soul on the altar of propriety. And to whom has he offered it? To the they – that subconscious instinct that drives us to escape from ourselves, to run away and hide in the complacency of the other. That is his god... In other words, we follow proprieties because they offer us pre-justified conduct.

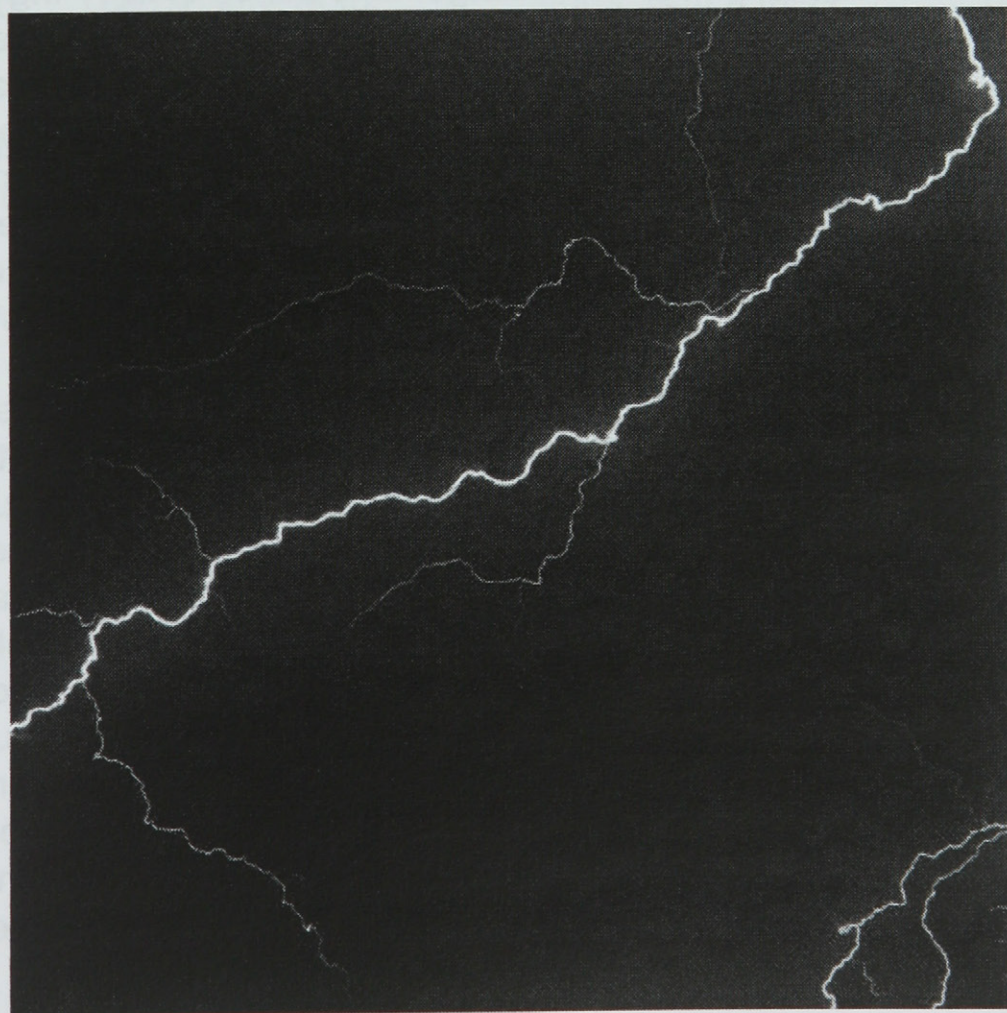
We really just need to follow it, and then poof! – our identity is there. Religions are essentially agglomerations of proprieties. They are havens of complacency.

The one propriety that has really been abused is the "how are you" propriety. It is common custom in our day to constantly inquire into the well-being (or lack thereof) of our interlocutors. I think I can explain its prevalence: We want to convince ourselves that we are kind-hearted. It is as if there is a standard (started by whom I don't know) that requires us to be overly-zealous in our concern for others. We are being forced to be nice.

If we fail to ask people how they are, we run the chance of being labeled selfish. Well, I got some news for you: "For there is not a just man upon earth, that doeth good, and sinneth not" (Ecclesiastes 7:20). So we can all stop pretending...

And when someone inquires, "how are you?", are they really being selfless? Or are they being selfish in an indirect way? Might that person be thinking to himself, "Well, look at me! Look at how selfless I am being! Can you imagine? I am actually concerning myself with your well-being, without any obligation!!..."

■



DANNY WILLIAMS, OFF-SHORE OIL, AND CANADIAN IN- TERESTS

by Héloïse Apestéguy-Reux (LAW I)

The piece on Danny Williams and off-shore oil in last week's Quid offered little perspective on an issue that is important to Canadians for reasons many of us may not realize. There is more to the story than politics.

If Premier Danny Williams were a selfish oil baron, one of two possibilities suggested in last week's piece, the off-shore industry off Newfoundland would be in a far more advanced stage of development than it currently is. We would have seen Williams bending over backwards to attract and accept investment proposals, not reject many of them as he has.

To ensure that citizens of the province reap substantial benefits from the province's oil, Williams has been reluctant to allow investment unless it meets certain conditions. Considering the conse-

quences of the pace of development in Alberta, namely, serious environmental problems and, I would argue, an increasing loss of Canadian autonomy over how its oil resources are developed, both Ralph Klein and Stephan Harper would do well to take notice. Let me restate that – Williams seems to be for a careful, strategic development while other industry and government leaders are far too focused on short-term economic gains.

Last week's author writes "how long [the province's] oil boom will last, I cannot predict." Well, one thing we can note is that Newfoundland and Labrador's reserves are a small fraction of Alberta's tar sands. This is a basic reason why careful development is in the province's interests. Although the article helpfully told us that the oil boom will end [some-day], I'm pretty sure that

unless we find a miraculous fuel in the next couple of years, oil will continue to be extremely valuable in the next decades.

I don't want to take those particular words out of context – the piece noted that 'the oil boom will end' in order to argue that when it does, the rest of Canada will not care if poverty returns to Newfoundland and Labrador since they were so selfish. Although this isn't why I wrote this response, I'll write a few words on this. Various economic analyses have shown that the argument that Williams is making is sound. It isn't dramatically unreasonable to keep equalization payments for a longer time period than Harper – or Martin – would have liked. Just because the province has seen some of the benefit of oil revenues does not automatically mean it makes economic sense to stop equalization right away (look up Professor Wade Locke, "Advice to the Expert Panel on Equalization", if you are interested).

Is Danny Williams a strategic politician? Of course he is, and I am not trying to argue that he is not also motivated by the political gain that

comes from so staunchly standing up for his province, nor that some tactics he has used are not worthy of serious criticism. But he is arguing for the development of petroleum resources with people's interests in mind, and this is what I wanted to bring up.

Compared to the frantic pace of development of the oil sands, the slower development of off-shore oil is an anomaly that the rest of Canada might want to notice. Maybe we too should be thinking more of Canadian long-term interests when it comes to the development of petroleum resources? In a nutshell, the technology required to make the oil sands usable is requiring huge amounts of private investment. This means that government control of development is tricky, despite the need for environmental regulation and long-term sustainability.

I'll end here, because that last paragraph would be a topic for another article. To return to last week's piece, I realize it was an opinion piece of sorts, but I would have liked the author to look a bit more into depth on what is, I don't deny it, a complicated issue■

AN OPEN LETTER ...

by Joshua Krane (LAW IV)

A few decisions by the Faculty administration made over the past few weeks have irked some students around the Faculty. Last week, students received an email apologizing for the failure to invite staff and students from years two, three, and four to the presentation by the Chief Justices of Canada and the United States. The Administration effectively decided to plan a party, invite a select group of students, and then tell everyone else afterward why they weren't invited. Unlike my conciliatory colleague who wrote in last week's edition of the Quid, I think that the Faculty is well served by students who put forward constructive criticisms about these sorts of policy decisions.

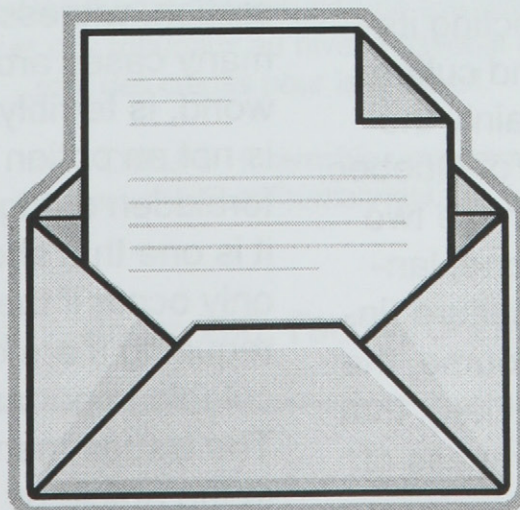
Understandably there are limited seats in the Moot Court. This matter is one of resources, of which McGill Law often lacks. But for other speaking engagements in the Moot Court, seats are taken on a first-come, first-serve basis. That process is a fair one for all students who wish to attend. First year students will have other opportunities to participate in such events throughout their remaining years at McGill; third and fourth year students, however, may not get such an opportunity again.

The closure of the Atrium for the Legal Education Roundtable also was a source of frustration. The Atrium "belongs" to the University, and its employees can schedule its use. But the Atrium is also a student space—it is a

place where students come to meet both before and after class, to hang out, relax, talk law (or not), use the computers, eat, and sleep. The space is a social one; blocking off student access—both to the space and to the Round Table—defies the purpose of having an Atrium. Even when the Law Students Association holds a Coffeehouse, the law firms participate at the invitation of the students. The Roundtable event would have been better held in Room 202, which is set up for round-table discussions, is in a fairly sound-proof location, and which has access to projector technology—if it was indeed intended for a Faculty conference.

Like the Chief Justices' Speech, some students

were privileged to attend the Roundtable, while others were left watching from the sidelines. It would seem to me that student contributions from a broad base of the Faculty would fit well with an event on Trans-systemic/Cosmopolitan Legal Education. There comes a point where the "limited resources" argument goes only so far. Opportunities to participate in these extra-curricular events are limited. Students, therefore, from all segments of our Faculty should be given opportunities to participate—when those events are held on Faculty space. When student participation at Faculty-sanctioned events needs to be constrained for "resource-related" reasons, the Faculty should be extra prudent when it plans said events in public spaces ■



A L'ACTION!

by Alex Herman (LAW III)

Passer à l'action? Pourquoi pas? In two successive issues of the *Quid Novi*, an author choosing to hide behind the name of a faculty club, *L'Action Indépendantiste*, has posted a couple of rather provocative articles. To spare you the trouble of rifling through blue bins in search of long-lost copies, the general arguments made by "L'Action Indépendantiste" will be represented in this article – in addition to some well-needed commentary.

The first article, "Se séparer pour mieux s'unir" argues that in an age of globalisation and international cooperation – more so than ever before – every nation should be able to promote its culture and defend its values against the ever-present threat of assimilation. This applies, according to the author, to the province of Quebec.

Simply because the Quebec independence movement missed the train of decolonisation,

which ran from the end of the Second World War to 1970, does not mean its call for separation should be seen as dated or obsolete. The many cosmopolitans who now see nationalism as a silly, if not grotesque, issue, should not look down upon those who still feel that some historic injustice has deprived them of the nation-state they so deserve. As valid as this general argument is, however, the article falls short of giving any persuasive argument for the separation of Quebec, either legally or otherwise.

As the political centre of the French society in North America, Quebec deserves certain rights. For the *peuple canadien français* that lives, for the most part, within its provincial boundaries, the most successful and effective way of protecting its language and culture, is most certainly the political unit of Quebec. But it is on these two elements alone, language and culture (including, of course, the civil law tradition), that the distinctiveness of

Quebec is based. "L'Action Indépendantiste" makes the claim that there are other important issues that Quebec needs to defend, of a moral and political nature: from international relations and the environment to abortion and the death penalty. Apparently, the population of Quebec feels so strongly about these issues – in a way that is completely incommensurate with the rest of Canada – that only by wresting control from Ottawa will the Québécois truly be free.

The separation of a region from a state is never an easy process, made clear in both history and public international law. Many of the states that fractured into new ones did so either as a result of, or a prelude to, bloody civil wars. One merely needs to think of India, partitioned in 1947, which still deals with the ensuing problems today. The cost of separation, witnessed in many cases around the world, is terribly high. It is not an option that is forbidden outright, but it is one that should only occur if the factors requiring it are of incalculable importance. The issues mentioned in the article by "L'Ac-

tion Indépendantiste", whether the legalisation of certain drugs or an understanding of social justice, though retaining a relative importance, clearly fall short of the standard. It is impossible to form a new country out of simple *political* differences – and, by that term, is meant the day-to-day matters that are meant to be dealt with through democratic processes.

Besides, social and moral views on most political topics (except perhaps involvement in foreign military campaigns) are shared in a polite and civil fashion across the country – whether sovereigntists admit it or not – from sea to shining sea. Every supporter of Kyoto in Quebec can easily find a counterpart in the ROC and every parochial mind-set in the west will, unfortunately, find solace in ADQ philosophy.

A claim for separation must be made from ground that is stable and consistent. A province cannot unilaterally secede from a state because they are unhappy with the federal control of dairy prices. Such questions are left to politics – to be dealt with on the floor of Parliament or

l'Assemblée nationale – and can be affected by the population through an election or (heaven forbid) a referendum. The stable and consistent ground for Quebec – that which has historical and legal weight – is its language and culture. Those are the key factors which it needs to protect and for which the Canadian federal system should be flexible enough to accommodate.

If that system cannot accept the constitutional demands made by Quebec for the latter's signature on the Constitution Act, 1982, then Quebec should seek "other means" of defending its rights. This is the argument of the second article by "L'Action Indépendantiste". The call is for the Québécois to get up, stand up and demand independence because of Canada's inaction regarding another con-

stitutional accord. This is a strong point and one that goes to the heart of what Canada is about: compromise. Though the onus should not be on the ROC to start up constitutional discussions (as the article claims), the seeking of compromise through cooperation is essential. Even the most nationalist Québécois would accept the Canadian constitution as long as it protected the distinct-

ness of Québécois language and culture. For the rest of Canada, the gain would be significant too. The tolerance that Canadians pride themselves on would be put to practice, one of the country's founding peoples would be given its due and no longer would everyone have to take a valium every time a Quebec referendum comes up. ■

McGill Centre for
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To learn more about the CHRLP's internship program visit our website at www.mcgill.ca/humanrights.

9:30-10:30, 22nd October - Room 200, Faculty of Law, McGill University, 3644

SEQUESTERED COACH NOT ENOUGH TO STOP CHICO

by Ryan Kirshenblatt (GRAD LAW II)

McCONNELL ARENA (AP) – The rookies that had impressed Chico's brass so much at training camp and through their season opener continued to do so as Chico Resch defeated the Pineapples 5-3 to earn their second comeback victory in a row. Alexandre Mireault, mistakenly labeled as a defenseman last game, led the way with two goals and one assist. Ryan "Goon" Ban stood on his head yet again, keeping Chico in the game long enough to rally for the win.

"Definitely satisfied with our effort tonight," said the captain, Peter Riddell. "The team is coming together so early in the season, but we're just taking the games one at a time." Veteran Steve Gough added, "We'll have to keep giving 100% every night if we want to keep winning." Gough dropped back to play defense,

as his notoriously fast skating would help Chico on the backcheck.

"That's because Jani keeps cherry-picking," he said. "Someone's got to cover for him."

Locked in a 1-1 tie in the first period, Coach Kirshenblatt finally arrived. "Alright, so I didn't set the best example for the team, but anyone who's had a class with me has come to expect that unique brand of punctuality." Unfortunately, the referee was not one of them, and Kirshenblatt was banned from crossing the ice in order to join the team behind the bench. Not one to leave the team unguided, he found his way through the stands, and through an opening between the glass he was able to yell to the rest of the team.

"I really wish he understood that his ears couldn't fit through the opening, so he

couldn't hear how loud he really was," said Lee Rovinescu, who blocked three shots. In any event, Kirshenblatt was able to communicate with the team, and shortly after his arrival, Chico scored to go ahead 2-1.

It seemed fitting though, as it won't be the last time that a bunch of lawyers are taking instructions from a ranting lunatic behind plate glass. Down 3-2, the team came together and returned to playing smart and simple hockey. This led to the 4-3 go-ahead goal, and with just under two minutes to go, a net-crashing fifth goal from Nick Knoppers-Turp to nail shut the Pineapples' coffin. Unfortunately, the Pineapples didn't care to finish the game, as with over a minute to go they headed to the dressing room before the final buzzer sounded.

"I never imagined that we would be beat a team and demoralize them so much that they would leave before the game was actually over," said Riddell, echoing the sentiments of most of the players. However, when prompted by reporters at the post-game press conference at Biftek on St. Laurent that the Pineapples

were actually thrown out because they exceeded the penalty limit, Riddell dismissed the fact as irrelevant. "Shut up and get me another beer" he said through progressively slurred speech, which the day after he swore he had said "Drink up – I'm so glad you're here."

At the post-game press conference, a good time was had by all. Each time another player arrived to give interviews, he was greeted by repeated chants of his name. Mind you, the chants just came from the players who were already there. "So we're our own biggest fans, what's the problem?" said Mireault. Matt Hendy agreed, "Nobody else comes to cheer for us anyway." Triumphant cheers of "CHI-CO! CHI-CO!" filled the already crowded bar. Of course, the cheers were supplied by the very men who deserved the accolades. The self-provided pats on the back would've made even Barry Horowitz jealous.

Really, the only cheers that mattered were the ones heard upon the clinking of glasses containing successive rounds of beer, followed by the infa-

mous twenty-dollar shot platters, all part of the team's new mentoring philosophy.

"We're going beyond just 'collegiality,' otherwise we'd just be a law firm. We're a team, not an office," said one player, who spoke on conditions of anonymity as he undergoes the recruitment

process.

"I was tired of stopping shots all night," said goaltender Ryan Ban. "It was about time I started letting some in."

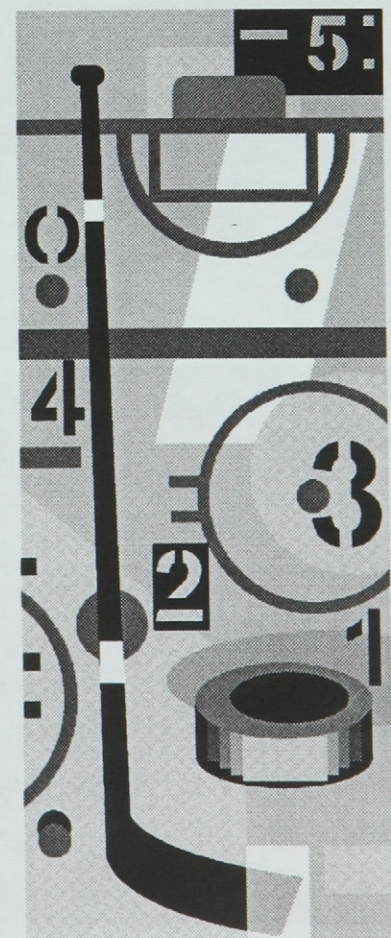
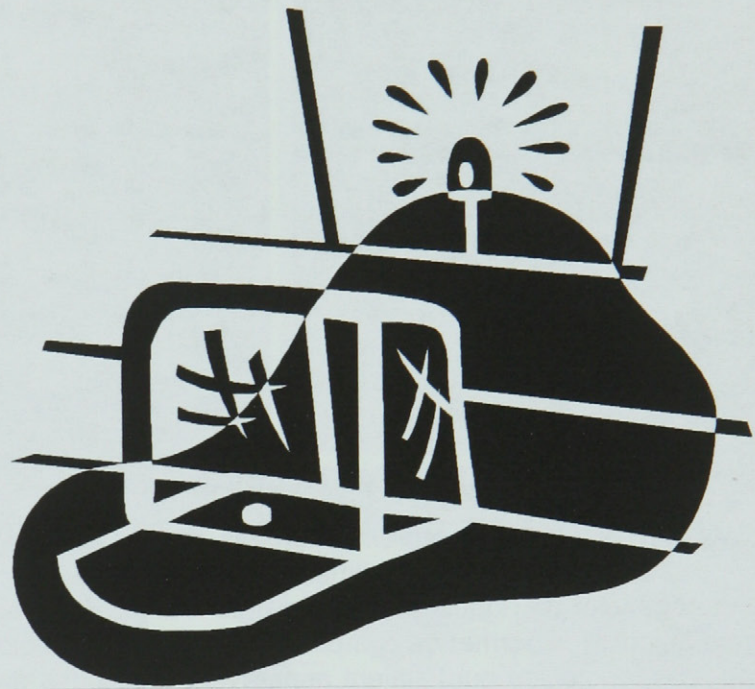
"And boy did he," added his girlfriend, who joined the team afterwards, despite being offered prime seats in the

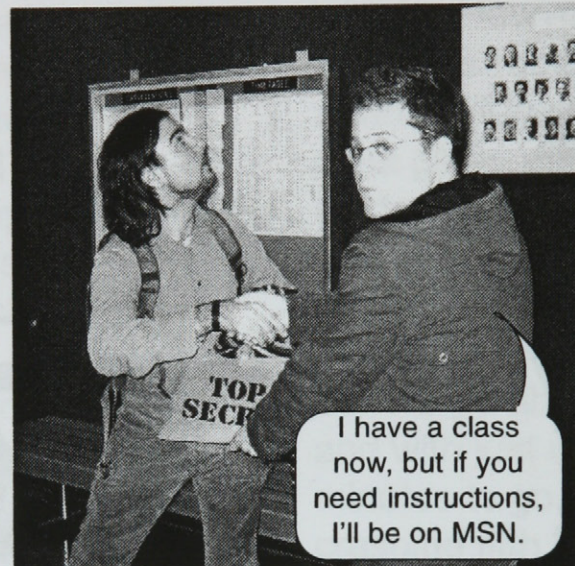
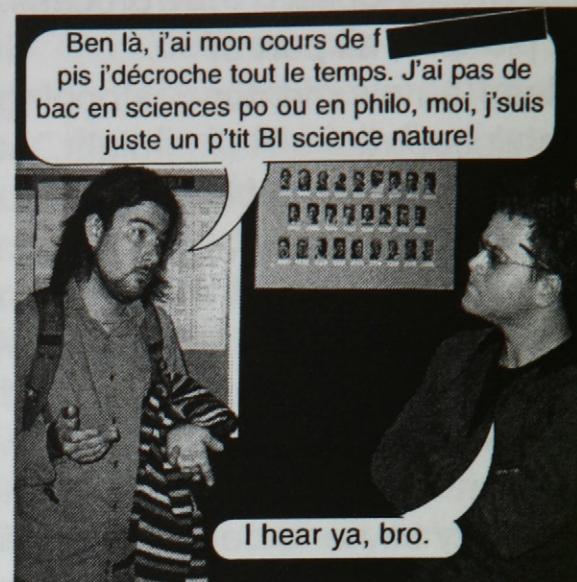
wives and girlfriends section of the arena. "He might be able to stop pucks, but he sure couldn't stop the whiskeys."

"Or the gar-moms!" exclaimed Holmborg. Rovinescu translated the slur as, "You mean carbombs!" The stupor found its way around the table.

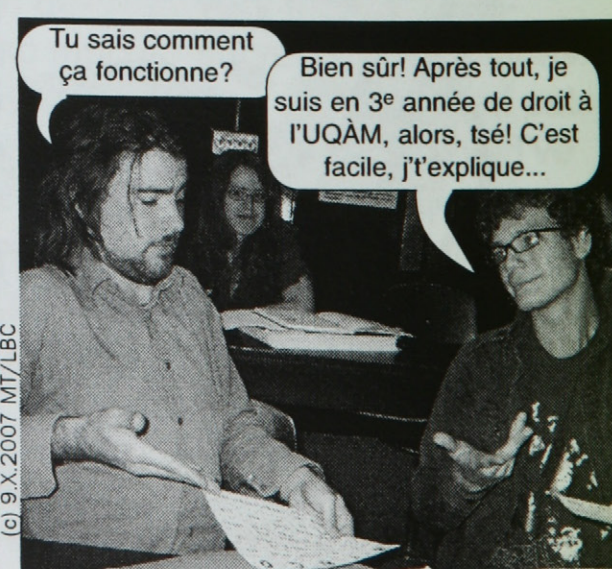
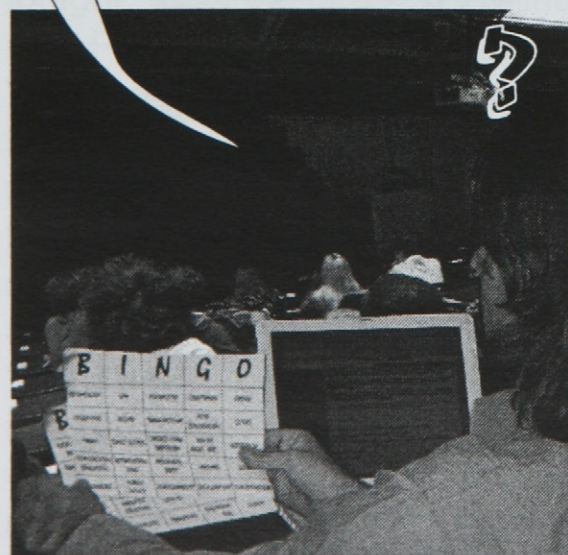
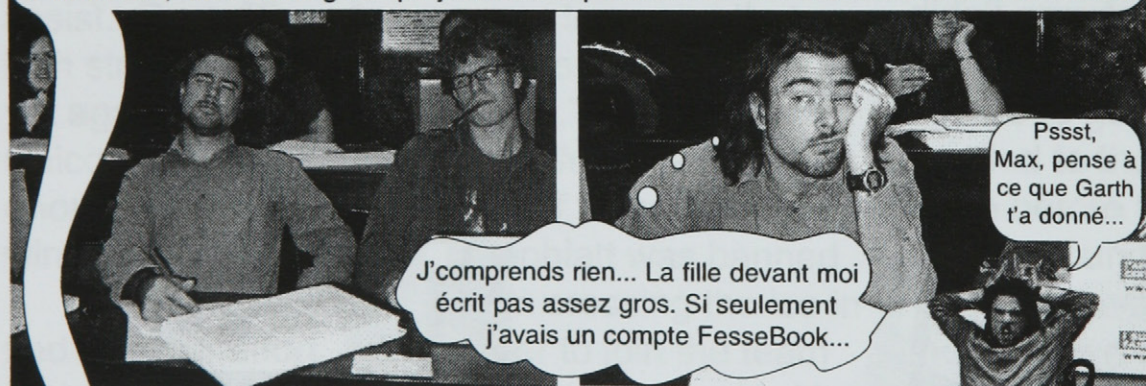
Four guys thought they saw Elvis. Another three could've sworn it was Professor Lametti, still yet to appear in a game this season.

This team is certainly going somewhere this year. And you don't need beer goggles to see it. ■



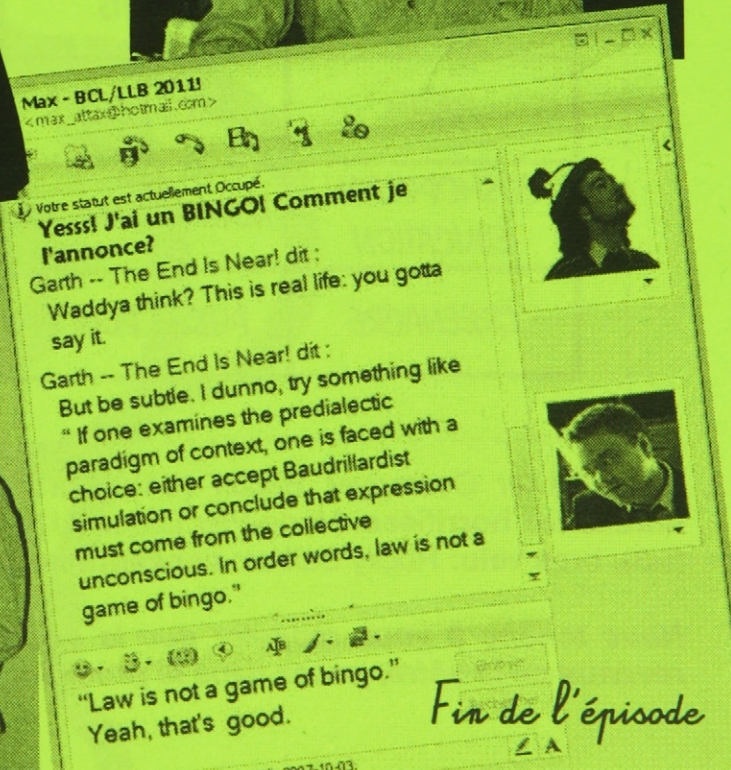
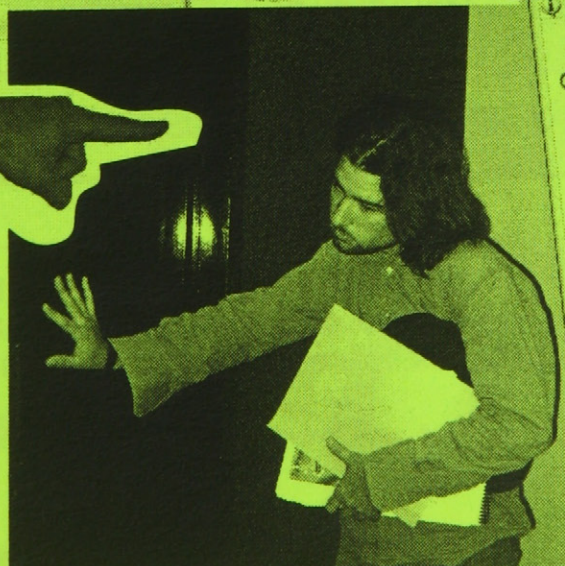
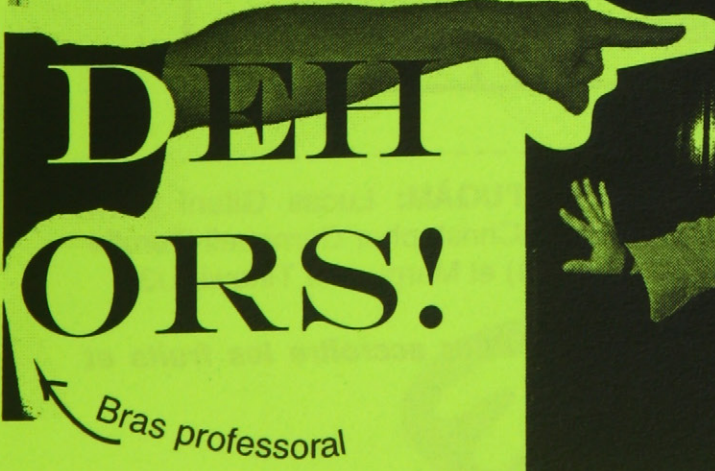
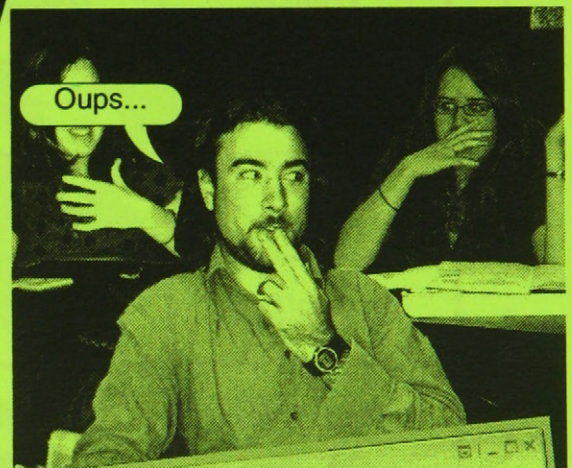
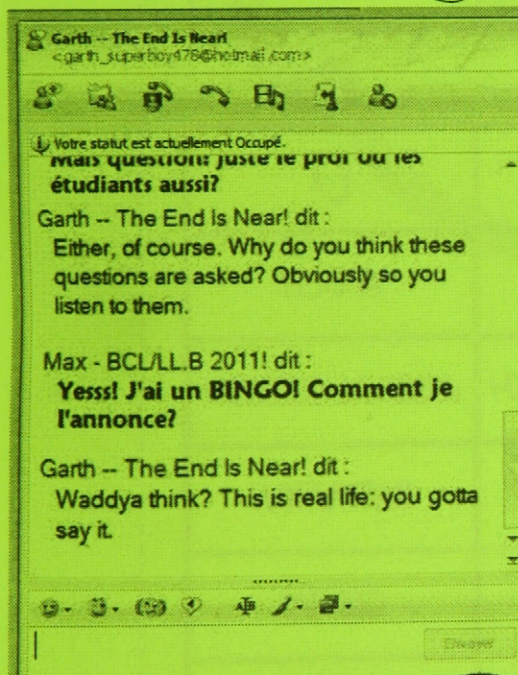
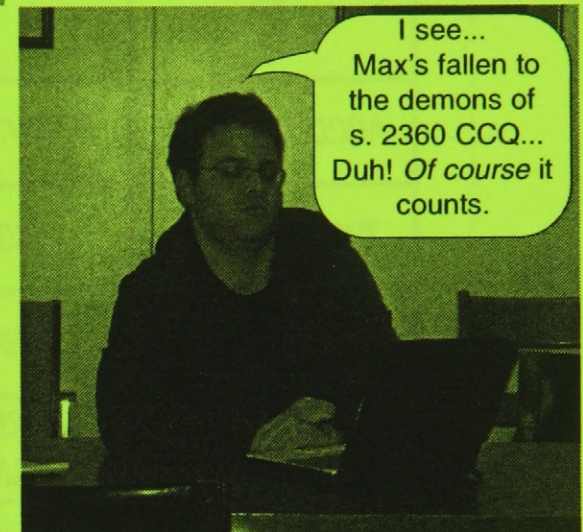
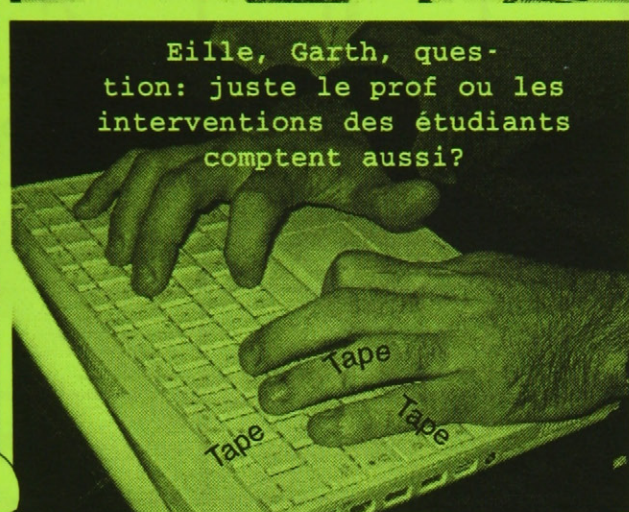
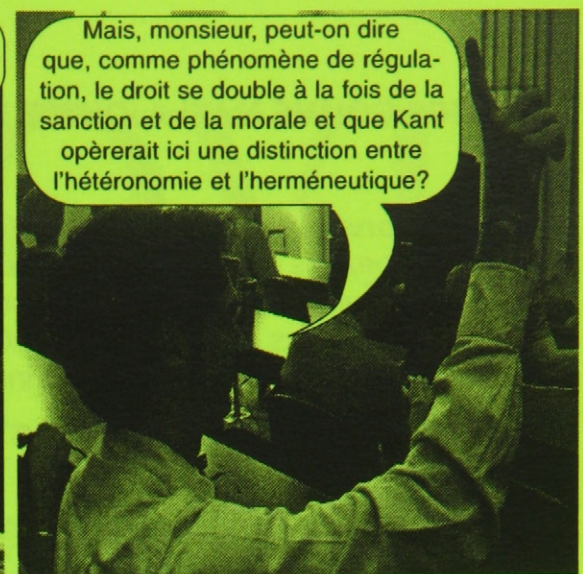
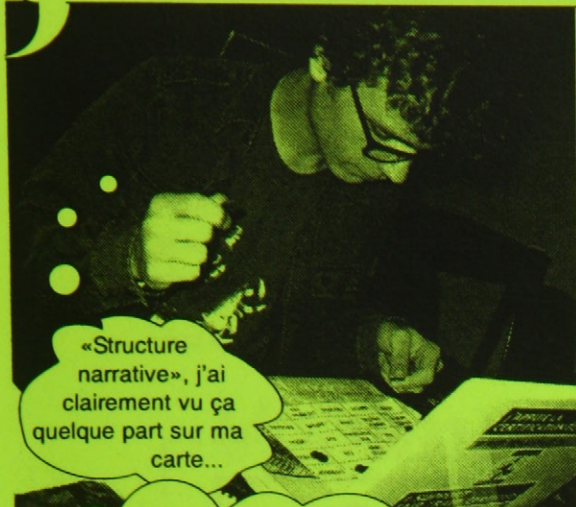


Le cours commence... «On pourrait résumer la modernité en cinq grandes strates dont les sédiments forment le droit moderne des moderne. D'abord, hétérogénéité de l'idéologie sous-jacente à différentes règles dont la dynamique générale aujourd'hui permet de comprendre la construction globale qui met en jeu, à nouveau, des idéologies qui jouaient auparavant à l'échelle nationale. Les vertus



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...chapitre de l'éducation cosmopolite, ce sont tous des phénomènes sociaux de formation largement coutumière, empreints d'un caractère normatif et contraignant, une conscience grammaticale vue comme juridique. À cela s'ajoute une communication qui tient de l'appartenance à un même groupe de structure narrative, c'est-à-dire du



FAITES COMME MAX! AJOUTEZ DU PIQUANT À VOS COURS DE FONDAMENT AVEC CET AUTHENTIQUE BUZZWORD BINGO!

Instructions pour ceux qui n'ont toujours pas saisi comment on joue au Buzzword Bingo:

1) Découpez les cartes en suivant le pointillé. 2) Trouvez un voisin consentant et donnez-lui une carte. 3) Lorsque le professeur ou un étudiant prononce l'un des mots inscrit dans une case, couvrez cette case d'une pièce de monnaie. 4) Vous obtenez un BINGO en couvrant les 5 cases d'une rangée, d'une colonne ou d'une diagonale. 5) Pour gagner la partie, vous devez insérer le mot «BINGO» dans une intervention en classe. Conseil: soyez subtils!

N.B: You can contract out of the aforesaid rules. Nous ne sommes pas responsables de vos B, ni des pièces que vous échapperez. Ceci n'est pas une clause illisible.



B	I	N	G	O
ACCOUNTABILITY	EVERY DAY LIFE	HIERARCHY	INSTITUTION	IMPERIALISM
TRANSSYSTEMIA	SCALE	ANXIOUS VIRILITY	EUH...	LORD DENNING
NEOCOLONIALISM	YALE	POST-STRUCTURALISM	AVID	RADICAL
ANTHROPO-MORPHISM	NARRATIVE STRUCTURE	COFFEE	LEGITIMITY	BLACKACRE
SOCIETY	LEGALISTIC	TRAJECTORY	SUBORDINATION	CUSTOM

B	I	N	G	O
COSMOLOGY	FLOODGATES	PLURALISTIC	CRAFTSMAN	EPOCH
HEGEMONY	RIGHTS	TRANSSYSTEMIA	POST-COLONIALISM	JUDICIAL ACTIVISM
MAXIM	STARE DECISIS	LAISSEZ-FAIRE CAPITALISM	YOU'RE RIGHT, BUT...	INSTITUTION
COSMOPOLITAN EDUCATION	NOTWITHSTANDING	ACCOUNTABILITY	HARVARD	GLOBAL
GREENACRE	PUBLIC POLICY	FORESEEABILITY	DEVELOPMENT	LUXURIOUSNESS

Max: Olivier Cournoyer Boutin (U1); **Garth:** Frédéric Wilson (U4); **Pablo de l'UQÀM:** Lucas Gifuni (U1); **étudiantes horribles:** Marie-Pier Leduc (U1); Sarah Messerli (U1); **ze Smart Ass:** Christopher Campbell-Durufflé (U3); **bras velu:** Rocky Balboa; **conceptrices délurées:** Laurence Bich-Carrière (U4) et Marguerite Tinawi (U3).

Nous tenons à vous rappeler que la célébrité est une vertu qui se cultive. Pour accroître les fruits et revenus de la vôtre, posez dans le prochain épisode!!!